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ALPHA & OMEGA SEMICONDUCTOR, INC.
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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ALPHA & OMEGA SEMICONDUCTOR,
INC., a California corporation; and
ALPHA & OMEGA SEMICONDUCTOR,
LTD., a Bermuda corporation,

Plaintiffs,

v.

FAIRCHILD SEMICONDUCTOR
CORP., a Delaware corporation,

Defendant.

AND RELATED COUNTERCLAIMS

Case No. 07-2638 JSW (EDL)
(Consolidated with Case No. 07-2664 JSW)

**DECLARATION OF HARRY F. DOSCHER
IN SUPPORT OF FAIRCHILD
SEMICONDUCTOR CORPORATION'S
ADMINISTRATIVE MOTION FOR AN
ORDER PERMITTING THE FILING
UNDER SEAL OF EXHIBITS 7, 18 AND 26
TO THE DECLARATION OF LEONARD
J. AUGUSTINE, JR. IN SUPPORT OF
FAIRCHILD SEMICONDUCTOR
CORPORATION'S MOTION TO COMPEL
PRODUCTION OF DOCUMENTS**

Hon. Elizabeth D. Laporte

1 I, Harry F. Doscher, declare as follows:

2 I am an Associate at the law firm of Morgan, Lewis & Bockius LLP, 2 Palo Alto Square,
3 3000 El Camino Real, Suite 700, Palo Alto, California 94306, and a member in good standing of
4 the Bar of the State of California. I am admitted to practice in the United States District Court for
5 the Northern District of California. Morgan, Lewis & Bockius LLP has been retained as trial
6 counsel for Plaintiffs and Counterdefendants Alpha & Omega Semiconductor, Inc. and Alpha &
7 Omega Semiconductor, Ltd. (together, "AOS") in the present action. I submit this declaration
8 pursuant to Civil L.R. 79-5(d), regarding Fairchild Semiconductor Corporation's ("Fairchild")
9 Administrative Motion for an Order Permitting the Filing Under Seal of Exhibits 7, 18, and 26 to
10 the Declaration of Leonard J. Augustine, Jr. in Support of Fairchild Semiconductor Corporation's
11 Motion to Compel Production of Documents. I have personal knowledge of each statement set
12 forth herein, and each such statement is true and correct.

13 1. On August 2, 2007, the Court entered the Stipulated Protective Order. [D.I. 27].
14 The Stipulated Protective Order evidences the general agreement of the parties to this action that
15 information concerning product design and structure, manufacturing, and proprietary commercial
16 information, among other things, is highly confidential, and disclosure would create a substantial
17 risk of serious injury:

18 "Highly Confidential – Attorneys' Eyes Only" Information or
19 Items: highly sensitive "Confidential Information or Items," the
20 disclosure of which to another Party or non-party would create a
substantial risk of serious injury to the Producing Party.

21 * * *

22 Without written permission from the Designating Party or a court
23 order secured after appropriate notice to all interested persons, a
24 Party may not file in the public record in this Action any Protected
Material. A Party that seeks to file under seal any Protected
Material must comply with Civil Local Rule 79-5.

25 Stipulated Protective Order [D.I. 27] at 1:22-24 & 11:18-21. Protected Material, as defined in the
26 Stipulated Protective Order, includes material that is designated as "Confidential" or "Highly
27 Confidential – Attorneys' Eyes Only." *Id.* at 2:4-5.

28 2. On August 12, 2008, Fairchild lodged with the clerk "Confidential Exhibit 7,"

1 “Confidential Exhibit 18,” and “Confidential Exhibit 26” attached to the Declaration of Leonard
2 J. Augustine, Jr. in Support of Fairchild Semiconductor Corporation’s Motion to Compel
3 Production of Documents [D.I. 178].

4 3. Confidential Exhibit 7 to the Declaration of Leonard J. Augustine, Jr. contains
5 highly confidential proprietary technical information regarding the structure and processing of
6 AOS’s products that would place AOS at a competitive disadvantage if the information were to
7 become publicly known, particularly to the competitors of AOS, and have been designated by
8 AOS as “Highly Confidential – Attorneys’ Eyes Only” pursuant to the Stipulated Protective
9 Order.

10 4. Confidential Exhibit 18 to the Declaration of Leonard J. Augustine, Jr. contains
11 highly confidential proprietary business information, including marketing analysis and strategy,
12 technical information, product strategies, manufacturing information, the identification of third
13 party outside vendors, and confidential internal business practices, which would place AOS at a
14 competitive disadvantage if the information were to become publicly known, particularly to the
15 competitors of AOS, and have been designated by AOS as “Highly Confidential – Attorneys’
16 Eyes Only” pursuant to the Stipulated Protective Order.

17 5. Confidential Exhibit 26 to the Declaration of Leonard J. Augustine, Jr. contains
18 highly confidential proprietary technical information regarding the manufacturing and processing
19 of AOS’s products that would place AOS at a competitive disadvantage if the information were to
20 become publicly known, particularly to the competitors of AOS, and have been designated by
21 AOS as “Highly Confidential – Attorneys’ Eyes Only” pursuant to the Stipulated Protective
22 Order.

23 6. For the foregoing reasons, I believe that good cause exists to protect Confidential
24 Exhibits 7, 18, and 26 to the Declaration of Leonard J. Augustine, Jr. in Support of Fairchild
25 Semiconductor Corporation’s Motion to Compel Production of Documents, by filing Confidential
26 Exhibits 7, 18, and 26 under seal pursuant to Civil L.R. 79-5.

27 I declare under penalty of perjury under the laws of the United States that the foregoing is
28 true and correct to my personal knowledge.

1 Executed this 18th day of August, 2008, at Palo Alto, California.

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3 /s/ Harry F. Doscher
4 Harry F. Doscher
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